IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

OP.No. 17107 of 2001(J)

PETITIONER:

M.RAMANI BAI, S-37, SREE NILAYAM,
SANKAR NAGAR, CHINNAKKADA, KOLLAM

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY THE SECRETARY
TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE PRESIDENT, GOODWILL CHARITABLE SOCIETY
AND INFANT NURSERY SCHOOL, MULLUVILA, KOLLAM -10.

4. V.CHANDRABHANU, KOCHUVEEDU GARDEN,
PAZHAYATTINKUZHI, THATTAMALA, KOLLAM.

R1, R2 BY GOVT. PLEADER SMT.T.B.RAMANI
R3, R4 BY ADV. SRI.K.P.DANDAPANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.27307 OF 2001 IN OP NO.17107 OF 2001 J

//DISMISSED//

15.06.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF COMMUNICATION NO.A7.23319/95 DT.8.12.1995 ISSUED BY THE DY. DIRECTOR OF EDN., KOLLAM.

EXT.P2: TRUE COPY OF COMMUNICATION NO.A7.23319/95 DT.8.12.1995 ISSUED BY THE DY. DIRECTOR OF EDN., KOLLAM.

EXT.P3: TRUE COPY OF COMMUNICATION NO.W.3/57964/96/DPI DATED 15.3.1997 ISSUED BY THE D.P.I.

EXT.P4: TRUE COPY OF JUDGMENT DT.12TH OCTOBER, 2000 IN O.P.NO.18085/97 OF THIS HON. COURT.

EXT.P5: TRUE COPY OF JUDGMENT DT.14TH NOVEMBER, 2000 IN W.A.NO.2661/2000 OF THIS HON'BLE COURT.

EXT.P6: TRUE COPY OF ORDER NO.W2/57964/96/DPI DT.2.3.2001 ISSUED BY THE D.P.I.

EXT.P7: TRUE COPY OF ORDER G.O.(RT)NO.2022/01/GE. DT.23.5.2001 ISSUED BY THE GOVERNMENT.

EXT.P8: TRUE COPY OF DOCUMENT DATED 28.4.1987.

RESPONDENT'S EXHIBITS:

EXT.R3(1):TRUE COPY OF ORDER G.O(MS)NO.37/87/G/EDN. DATED 7.2.1987 OF THE 1ST RESPONDENT ISSUED TO GOODWILL CHARITABLE SOCIETY AND INFANT NURSERY SCHOOL, MULLUVILA.

EXT.R3(2): TRUE COPY OF ORDER NO.B4-1464/87/SIE DATED 18.7.1987 OF THE 2ND RESPONDENT ISSUED TO GOODWILL CHARITABLE SOCIETY & INFANT NURSERY SCHOOL, REFERRED TO IN THE COUNTER AFFIDAVIT.

EXT.R3(3): PHOTOCOPY OF VISITOR'S REPORT REFERRD TO IN THE COUNTER AFFIDAVIT.

EXT.R3(4): PHOTOCOPY OF ORDERNO.D.DIS.B1-2413/88 DATED 19.8.1988 OF THE DEPUTY DIRECTOR OF EDUCATION, QUILON ISSUED TO the MANAGER, IMMACULATE PRE-PRIMARY TEACHERS' TRAINING INSTITUTE, MULLUVILA.

EXT.R3(5): TRUE COPY OF ORDER NO.F.KL/PP/09/SRO/NCTE/2000-2001/2977 DATED 26.12.2000 OF THE NATIONAL COUNCIL FOR TEACHER EDUCATION, ISSUED TO THE PRINCIPAL, IMMACULATE PRE-PRIMARY TEACHERS' TRAINING INSTITUTE, MULLUVILA.

EXT.R3(6): PHOTOCOPY OF CONSENT STATEMENT DATED 17.5.1987 REFERRED TO IN THE COUNTER AFFIDAVIT.

EXT.R3(7): PHOTOCOPY OF REVISION PETITION SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 1ST REPSONDENT ON 4.4.2001 VIDE REF.NO.PR2/2001-02.

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.17107 OF 2001

Dated this the 15th day of June, 2007

JUDGMENT

The matter relates to recognition of a Pre-Primary Teachers Training Institute and Infant Nursery School run by the third respondent, a charitable society. The petitioner appears to have been on its Board for some time. She raised certain issues relatable to management that gained attention of the statutory authority. The DPI concluded that the approval is to be cancelled. However, the Government, as per the impugned decision, for clear reasons stated therein, concluded that the recognition cannot be withdrawn and approval cannot be refused. In doing so, the Government found that the questions raised by the petitioner are insufficient to recall recognition and the order of the DPI in favour of the petitioner was issued without consulting the Government and the NCTE. The Government were also not prepared to accept the allegations raised against the Institution, which was functioning from 1987. It was noticed as not necessary to withdraw the recognition in 2001.

2. Along with the reply affidavit, various documents have been produced, on the strength of which, learned counsel for the petitioner made a strenuous effort to sustain the challenge to the decision of the Government not to recall recognition.

3. In the realm of education, having regard to the involvement of the Government in formulating policies and because the Government could be treated as having sufficient power to let an Institution continue, the questions raised by the petitioner cannot be treated as if this is an adversorial litigation. I do not find any ground to interfere with the views expressed by the Government in Ext.P7 order and the decision rendered therein.

In the result, the writ petition fails and the same is dismissed. No costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.17107 OF 2001

JUDGMENT

15TH JUNE, 2007.

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